Summary of Local Government Legislation

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Ministry of
Community Services

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USING THIS SUMMARY

This is a summary of legislation passed during the 2006 Spring sitting of the Legislative Assembly of British Columbia that may be of direct interest to local governments. This Summary is presented in 3 parts.

Part A covers 2 bills that amend local government legislation for which the Ministry of Community Services is responsible. One of these bills was sponsored by the Minister of Community Services, and the other bill was sponsored by another Minister.

Part B covers 7 bills that do not significantly affect Ministry of Community Services' legislation, but contain amendments that directly affect local governments. In some cases, a bill in this Part may also consequentially amend local government legislation.

In the description of a bill in **Parts A** and **B**, a reference to "section #" is a reference to the section of the bill (also referred to as an Act) which is making the amendments. A reference to "s. #" or "ss. #", on the other hand, is a reference to a section or sections of an existing statute or Act that is being amended. To illustrate, **section** 2 of Bill 10, *Community Services Statutes Amendment Act, 2006*, makes amendments to **s.** 154 of the existing *Community Charter*.

The information in **Parts A** and **B** as to the "in force" dates of the bills reflects the status of those bills as of December 31, 2006.

Part C provides an index to Ministry of Community Services' local government legislation according to the Act and section amended by 2006 legislation.

This Summary provides a brief description of bills passed in 2006 that directly affect local governments. For a complete listing and the full text of all bills introduced or passed in that session, go to the Legislative Assembly of British Columbia web site at: http://www.leg.bc.ca/legislation/index.htm

The information in this Summary is provided as a guide for convenience only; while best efforts have been used in its preparation, it should not be relied on for accuracy.

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PART A – Amendments to Local Government Legislation

Bill 10 — Community Services Statutes Amendment Act, 2006

Sponsored by Minister of Community Services and Minister Responsible for Seniors' and Women's Issues

The *Community Services Statutes Amendment Act, 2006* amends eight local government statutes including the *Community Charter*, *Vancouver Charter*, *Local Government Act*, *Resort Municipality of Whistler Act*, and the *Greater Vancouver Sewerage and Drainage District Act*. These amendments further enhance and clarify aspects of local government legislation and also address some purely housekeeping issues.

Meetings and hearings outside local government boundaries

Sections 1 and 11 clarify the authority of municipalities and regional districts to conduct meetings, hearings and other proceedings, and exercise all powers, duties and functions in relation to those proceedings, outside their boundaries. Section 1 adds a provision to the *Community Charter*, (s. 134.1), and section 11 adds a provision to the *Local Government Act* (s. 237.1). The authority under these sections may be exercised by a specific resolution or a general bylaw (s.134.1(2); s. 237.1(2)).

Section 20 adds a provision to the *Municipalities Enabling and Validating Act (No. 3)* to validate bylaws and other local government proceedings that were held outside municipal or regional district boundaries (s. 19).

Section 15 repeals s. 793(6) of the *Local Government Act*, which authorized a board to pass a resolution to hold a meeting outside the regional district, as it is replaced by s. 237.1.

Sections 4 and 8 make consequential amendments to the *Greater Vancouver Sewerage and Drainage District Act* (s. 8) and the *Greater Vancouver Water District Act* (s. 10) as a result of repealing s. 793(6) of the *Local Government Act*.

Municipal authority to delegate

Section 2 amends s. 154 of the *Community Charter* by adding an explicit provision for council to establish any terms and conditions it considers appropriate in relation to the delegation of its authority.

Commercial vehicle licences

Section 12 amends the definition of "license year" in the *Local Government Act* for the commercial vehicle licence program by changing the definition to the calendar year (instead of March 2 to February 28). This change makes licensing years correspond to municipal fiscal years (ss. 664 and 670).

PART A AMENDMENTS TO LOCAL GOVERNMENT LEGISLATION

Transitional provision

Section 32 establishes the rules for converting from a municipal commercial vehicle licence year that runs March through February to one that runs from January 1 to December 31, including providing for the pro-rating of transition year fees for persons who already hold these licences.

Latecomer agreements

Sections 14 and 19 amend ss. 747.2(8) and 939 of the *Local Government Act* by changing from 10 years to 15 years the maximum period for cost recovery in relation to extra infrastructure services that an improvement district or a local government has required a developer to provide.

Transitional provision

Section 33 clarifies that the time extension for cost recovery provided by the amendments to ss. 747.2 and 939 of the *Local Government Act* applies to existing latecomer agreements.

Additional amendments to the *Local Government Act*

This Act makes additional amendments to the *Local Government Act*. These amendments:

- clarify that the certification program of the Board of Examiners applies to municipal employees of the City of Vancouver (s. 206.1); includes a consequential amendment to the *Vancouver Charter* s. 2.1(1);
- clarify that regional district board committee meetings may be authorized to be held by means of electronic or other communications facilities (s. 222.1);
- clarify that for regional district services, "municipal solid waste" and "recyclable material" have the same meaning as in the *Environmental Management Act* (s. 797.1);
- add a section allowing provincial authorities to make regulations exempting some regional district bylaws from approval requirements in order to parallel the provision for municipalities in s. 280 of the *Community Charter* (s. 799.2);
- correct an error in s. 809 by changing the word "council" (which refers to a municipality) to the word "board" (which refers to a regional district).

Amendments to the *University Endowment Land Act*

Sections 22 and 25 amend ss. 2 and 6 of the *University Endowment Land Act* by removing requirements for Lieutenant Governor in Council approval. Sections 22 and 23 also amend ss. 2(1) and 3 of the *University Endowment Land Act* by removing obsolete provisions.

Section 24 changes the deadline under the *University Endowment Land Act* for the minister to provide annual financial statements to the Surveyor of Taxes from March 15 to April 30 (s. 4(1)).

PART A AMENDMENTS TO LOCAL GOVERNMENT LEGISLATION

Vancouver Charter amendments

There are four amendments made to the *Vancouver Charter*:

1) section 27 allows the City of Vancouver to extend the authority given to members of the Fire Department to include controlling traffic in other emergency circumstances as well as fires (s. 311);
2) sections 28 and 30 establish a general provision for bylaw enforcement by civil proceedings that combines the authorities that were under ss. 334 and 571. This enables enforcement proceedings to be brought by the City of Vancouver or the Board of Parks and Recreation by the simpler petition legal process rather than by the more complex "writ of summons" process;
3) in relation to unclaimed property in the possession of the Vancouver Police Department, section 29 provides holding periods that parallel those of other municipalities under the *Community Charter* (s. 483);
4) section 31 allows council to provide for relaxation of the rules under its Vancouver sign bylaw in some circumstances (s. 571AA).

Repeal of the *Community Charter Council Act*

Section 3 repeals the *Community Charter Council Act*, as the Community Charter Council's mandate was fulfilled when the *Community Charter* was enacted.

Greater Vancouver Sewerage and Drainage District Act development finance amendments

Section 7 amends s. 58.2 of the *Greater Vancouver Sewerage and Drainage District Act* to provide the Greater Vancouver Sewerage and Drainage District with the same authority in relation to development cost charges as is provided to municipalities and regional districts under the *Local Government Act* with respect to "under 4 unit" exemptions and the $50,000 development cost charge threshold. This means the district can charge development cost charges at the building permit stage for projects of fewer than 4 units, and that it may set an amount higher than $50,000 for when development cost charges are payable.

Village of Port Alice pulp mill agreement

Section 20 adds a provision to the *Municipalities Enabling and Validating Act (No. 3)* authorizing the Village of Port Alice to restrict its legislative discretion in relation to property value taxes and to provide assistance to a business by entering into an agreement for up to 5 years with the purchaser of the Port Alice mill. Under an agreement, the village may agree to impose fixed amounts of municipal tax on the mill property in one or more years of the agreement. The provision also requires the village to set its tax rates for all class 4 (industrial) property to render the amounts set out in the agreement (s. 20).

PART A AMENDMENTS TO LOCAL GOVERNMENT LEGISLATION

Approval requirements

Section 21 amends s. 17 of the *Resort Municipality of Whistler Act* by substituting the approval of the minister for that of the Lieutenant Governor in Council for changes to the bylaws of the Whistler Resort Association.

http://www.leg.bc.ca/38th2nd/3rd_read/gov10-3.htm

S.B.C. 2006, c.3 (sections 12 and 13 in force November 1, 2006; section 18 deemed in force January 1, 2004; sections 1-11, 14-17 & 19-33 effective March 28, 2006)

Bill 28 Park (Conservancy Enabling) Amendment Act, 2006

Sponsored by Minister of Environment and Minister Responsible for Water Stewardship and Sustainable Communities

The *Park (Conservancy Enabling) Amendment Act, 2006* makes amendments to both the *Park Act* and the *Protected Areas of British Columbia Act* to create new conservancy designations and establish new protected areas. Of interest to local government is a consequential amendment to the *Community Charter*.

Consequential amendment to the *Community Charter*

Section 18 amends s. 35 of the *Community Charter* to refer to "conservancy" in addition to the existing references to parks and recreation areas, as a result of the new authority for conservancy designations in the *Park Act*.

http://www.leg.bc.ca/38th2nd/3rd_read/gov28-3.htm

S.B.C. 2006, c.25 (in force by B.C. Reg 215/2006 effective July 13, 2006)

PART B – Other Legislation Affecting Local Governments

Bill 3 — Public Agency Accommodation Act

Sponsored by Minister of Finance

This Act repeals the *British Columbia Buildings Corporation Act*, dissolves the British Columbia Buildings Corporation, transfers to the government all of the corporation's assets and obligations, and allows government to manage those assets.

Definitions for local governments

Of interest to local governments is section 1 of the *Public Agency Accommodation Act* in which "public agency" is defined as including a local government.

Powers of minister

Section 8 states that the Minister of Finance may acquire land for the accommodation of a public agency, which includes a local government. Section 8 also states that the minister may provide services, accommodation and facilities to a public agency in relation to land in which the public agency has an interest or is accommodated, and charge fees for these services, accommodation or facilities.

http://www.leg.bc.ca/38th2nd/3rd_read/gov03-3.htm

S.B.C. 2006, c.7 (in force by B.C. Reg. 74/2006 effective April 1, 2006)

Bill 14 — Small Business and Revenue Statutes Amendment Act, 2006

Sponsored by Minister of Small Business and Revenue and Minister Responsible for Deregulation

This bill makes a number of amendments to the taxation and revenue statutes administered by the Ministry of Small Business and Revenue. A few changes are relevant to local governments.

Changes to the *Assessment Act*

Section 1 amends s. 10 of the *Assessment Act* to permit property owners whose properties have been substantially damaged or destroyed after October 31 and before the next January 1 to have those damages considered in the revised assessment roll.

Section 2 amends s. 18 of the *Assessment Act* by establishing, for property that is substantially damaged or destroyed after October 31 and before the next January 1, that the valuation of the property is based on the physical condition of the property on December 31 following the valuation date and not its physical condition on October 31.

PART B OTHER LEGISLATION AFFECTING LOCAL GOVERNMENTS

Amendments to the *Greater Vancouver Transportation Authority Act*

Further to the amendments to the *Assessment Act*, section 3 amends s. 143 of the *Greater Vancouver Transportation Authority Act* to permit the parking site roll for the purposes of the parking tax to be revised if land or improvements that are a parking site are substantially damaged or destroyed after October 31 and before the next January 1.

http://www.leg.bc.ca/38th2nd/3rd_read/gov14-3.htm

S.B.C. 2006, c.17

(sections 1-3 in force by B.C. Reg. 238/2006 effective July 21, 2006)

Bill 15 Miscellaneous Statutes Amendment Act, 2006

Sponsored by Attorney General and Minster Responsible for Multiculturalism

This Act amends a variety of statutes on behalf of several ministers. Of interest to local governments are the amendments to the *Greater Vancouver Transportation Authority Act.*

Tax exemption authority

Section 13 amends s. 34 of the *Greater Vancouver Transportation Authority Act* to allow the Lieutenant Governor in Council to exempt persons from property taxation under specified statutes in relation to certain land or improvements that the person acquires or uses for certain transportation projects. The statutes that may be covered include the *Municipal Finance Authority Act*, the *Community Charter*, the *Local Government Act*, and the *Vancouver Charter.*

http://www.leg.bc.ca/38th2nd/3rd_read/gov15-3.htm

S.B.C. 2006, c.15 (section 13 in force May 18, 2006)

Bill 21 **Employment and Income Assistance Statutes Amendment Act, 2006**

Sponsored by Minister of Employment and Income Assistance

This Act amends the *Employment and Assistance Act* and the *Employment and Assistance for Persons with Disabilities Act*. The amendments include legislation in three areas: definitions of "dependent" and "spouse," sanctions for inaccurate or incomplete reporting of circumstances, and information-sharing agreements.

Information-sharing agreements

Section 5 amends s. 30 of the *Employment and Assistance Act* to allow the minister of Employment and Income Assistance to enter into an information-sharing agreement with a public body, which may include a local government. Information-sharing agreements may be entered into only for the purposes of the administration and enforcement of the *Employment and Assistance Act*, the *Income Tax Act*, the *Income Tax Act* (Canada), the *Immigration and Refugee Protection Act* (Canada) or for a social benefit program operated by a government, an agency, or a public body.

Section 12 makes a parallel amendment to the *Employment and Assistance for Persons with Disabilities Act* (s. 21).

http://www.leg.bc.ca/38th2nd/3rd_read/gov21-3.htm

S.B.C. 2006, c.22

(sections 5 and 12 in force by B.C. Reg. 193/2006 effective July 1, 2006)

PART B OTHER LEGISLATION AFFECTING LOCAL GOVERNMENTS

Bill 25 Safety Standards Amendment Act, 2006

Sponsored by Minister of Forests and Range and Minister Responsible for Housing

This act amends the *Safety Standards Act* to provide authority for local governments to obtain and disclose residential electricity consumption information.

Residential electricity information

Section 1 amends the *Safety Standards Act* by adding Division 3 "Residential Electricity Information" and new definitions to Part 4 of the Act. S. 19.2(1) provides authority for local governments to request, in writing, information about residential electricity accounts from BC Hydro, public utilities and municipally-owned or operated electrical facilities for residences within the local government's boundaries. Under s. 19.2(3), local governments may share this information with administrators of the Act (for example, safety officers), and provincial or municipal police forces.

Section 4 amends s. 37 of the *Hydro and Power Authority Act* to make s. 19.2 of the *Safety Standards Act* apply to the British Columbia Hydro and Power Authority.

Notice of inspection

Section 1 adds a provision to the *Safety Standards Act* which requires a safety officer, who is qualified and appointed by the Minister or a local government under s. 11 of the Act, to provide written notice to owners or occupiers before entering a residence when acting on the basis of electricity information shared by a local government (s. 19.3).

http://www.leg.bc.ca/38th2nd/3rd_read/gov25-3.htm

S.B.C. 2006, c.31

(in force by B.C. Reg. 190/2006 effective June 23, 2006)

Bill 30 **Miscellaneous Statutes Amendment Act (No. 2), 2006**

Sponsored by Attorney General and Minister Responsible for Multiculturalism

This Act amends a variety of statutes on behalf of several ministers. A number of these amendments affect local governments.

Freedom of Information and Protection of Privacy Act

Section 7 adds a new s. 10 to the *Freedom of Information and Protection of Privacy Act* that provides the head of a "public body" (which includes local governments) with general authority to extend the time for responding to an access request for up to 30 days in certain circumstances.

Disclosure harmful to a public body

Section 8 amends s. 17(1) of the Act to allow an access request to be refused if disclosure could be expected to harm the negotiating position of a public body or the provincial government.

Disclosure inside or outside Canada

Section 9 amends s. 33.1(1)(d) and clarifies that disclosure agreements that disclose personal information, inside or outside Canada, must be in writing.

Section 10(a) amends s. 33.1(1), regarding disclosure inside or outside Canada, by adding paragraph (e), which allows public bodies to disclose information to ministers, individual officers and employees of public bodies when necessary for their duties while travelling outside of Canada. A parallel provision is also added in relation to third party service providers who normally have access to personal information in Canada for the purposes of their duties. Section 10(b) establishes s. 33.1(1)(p) which allows disclosure for necessary activities in relation to electronic systems that are used in Canada by a public body or their service provider.

Utilities Commission Act

Section 53 amends s. 121 of the *Utilities Commission Act* to clarify that local governments' powers under the *Community Charter* or the *Local Government Act* may not supersede or impair various authorizations granted to a public utility under the *Utilities Commission Act* (for example, a certificate of public convenience for an independent power producer project).

http://www.leg.bc.ca/38th2nd/3rd_read/gov30-3.htm

S.B.C. 2006, c.24 (sections 1-8, 10 and 53 effective May 18, 2006)

PART B OTHER LEGISLATION AFFECTING LOCAL GOVERNMENTS

Bill 31 Public Safety and Solicitor General Statutes Amendment Act, 2006

Sponsored by Minister of Public Safety and Solicitor General

This Act amends a number of statutes administered by the Ministry of Public Safety and Solicitor General. Of interest to local governments are the amendments to the *Gaming Control Act*.

"Host local government" approval

Section 4 amends s. 19 of the *Gaming Control Act* to require the lottery corporation to receive prior approval from a "host local government", and be satisfied that the "host local government" has consulted with each "potentially affected local government" before it develops or operates a new gaming facility. Existing lawful facilities are exempted from these requirements (s. 18.(2)). Section 3 adds a new s. 17(1) to provide new definitions, including defining "host local government" as the municipality, regional district or first nation with land use planning authority where a gaming facility is being developed, used or operated, or where the type or extent of lottery schemes or horse racing will be substantially changed under s. 18 of the *Gaming Control Act*

Objections and dispute resolution

Section 5 repeals s. 21 and substitutes a new authority which provides for a "potentially affected local government" to file an objection, within the prescribed time, with the corporation respecting the development, use or operation of a facility as a gaming facility or the relocation of an existing gaming facility. A "potentially affected local government" is defined in the new s. 17(1) as the municipality, regional district or first nation with land use planning authority for an area that is within a prescribed distance from where a proposed gaming facility operates or is to be relocated, or a place where a substantial change is proposed to the type or extent of the lottery scheme or horse racing at a gaming facility under the *Gaming Control Act*.

If the lottery corporation receives an objection, section 5 requires the lottery corporation to have the host local government participate in a non-binding dispute resolution process with the potentially affected local government (s. 21(2)). This process can address only matters raised in the objection (s. 21 (2.1)), or determine appropriate compensation to be paid by the host local government to the potentially affected local government in cases where it has incurred significant costs as a result of the gaming facility.

Section 6 adds an authority providing for the prescribed distance, and terminal points, of the "potentially affected local government" (s. 28(1)(k)).

PART B OTHER LEGISLATION AFFECTING LOCAL GOVERNMENTS

Prohibition against unauthorized lottery schemes

Section 12 amends s. 88 to prohibit the running of a lottery by any person not authorized by government. Under s. 88(c), private, or non-government authorized negotiations with a municipality, regional district, first nation, or any other person respecting the administration of a lottery are prohibited. Section 13 adds s. 88.1 as a parallel provision respecting unauthorized activities related to gaming facilities.

http://www.leg.bc.ca/38th2nd/3rd_read/gov31-3.htm

S.B.C. 2006, c.24 (sections 3, 4, 5, 6, 12 and 13 in force by regulation)

PART C - Index of Amendments to Local Government Legislation

Affected Act	Section		Amending Bill	
Community Charter	s. 35	[conservancy designation; *Park (Conservancy Enabling) Amendment Act, 2006*; consequential]	**28**	(s. 18)
	s. 134.1	[municipal authority; meetings and hearings outside boundaries]	**10**	(s. 1)
	s. 154	[municipal authority to delegate]	**10**	(s. 2)
Community Charter Council Act		[Act repealed]	**10**	(s. 3)
Greater Vancouver Sewerage and Drainage District Act	s. 8	[reference update; meetings and hearings outside boundaries; consequential]	**10**	(s. 4)
	s. 14	[correction; by-law]	**10**	(s. 5)
	s. 55	[correction; by-law]	**10**	(s. 6)
	s. 58.2	[development cost charges; exemption authority; threshold]	**10**	(s. 7)
Greater Vancouver Water District Act	s. 10	[reference update; meetings and hearings outside boundaries; consequential]	**10**	(s. 8)
Local Government Act	s. 206.1	[Board of Examiners certification program; application to City of Vancouver employees]	**10**	(s. 9)
	s. 222.1	[reference update; consequential]	**10**	(s. 10)
	s. 237.1	[regional district authority; meetings and hearings outside boundaries]	**10**	(s. 11)
	s. 664	[definitions; "licence year"]	**10**	(s. 12)
	s. 670	[reference update; license year; consequential]	**10**	(s. 13)

PART C INDEX OF AMENDMENTS TO LOCAL GOVERNMENT LEGISLATION

Affected Act	Section		Bill	
	s. 747.2	[reference update; latecomer agreements; consequential]	**10**	(s. 14)
	s. 793	[repealed; outside boundary meetings; consequential]	**10**	(s. 15)
	s. 797.1	[definitions; *Environmental Management Act*; consequential]	**10**	(s. 16)
	s. 799.2	[exemptions from approval requirements]	**10**	(s. 17)
	s. 809	[correction of language]	**10**	(s. 18)
	s. 939	[latecomer agreements; time period]	**10**	(s. 19)
Municipalities Enabling and Validating Act (No. 3)	s. 19	[validation of proceedings outside boundaries]	**10**	(s. 20)
	s. 20	[enabling; Port Alice mill agreement]	**10**	(s. 20)
Resort Municipality of Whistler Act	s. 17	[approval requirements]	**10**	(s. 21)
University Endowment Land Act	s. 2	[repeal authority; Lieutenant Governor in Council approval]	**10**	(s. 22)
	s. 3	[repeal obsolete development provisions]	**10**	(s. 23)
	s. 4	[date change]	**10**	(s. 24)
	s. 6	[Lieutenant Governor in Council approval]	**10**	(s. 25)
Vancouver Charter	s. 2.1	[reference update; Board of Examiners certification program; consequential]	**10**	(s. 26)
	s. 311	[control of traffic at fire and other emergencies]	**10**	(s. 27)
	s. 334	[civil proceedings by city]	**10**	(s. 28)
	s. 483	[holding periods for property]	**10**	(s. 29)
	s. 571	[repeal; civil proceedings by city; consequential]	**10**	(s. 30)
	s. 571AA	[relaxation of sign by-laws]	**10**	(s. 31)

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